

1 NEW SECTION. **Sec. 101.** A new section is added to chapter 28A.305

2 RCW to read as follows:

3 (1) The state board of education is created, composed of the
4 superintendent of public instruction and nine members who are residents
5 of the state of Washington as follows:

6 (a) Four members elected by the membership of the Washington state
7 school directors' association as defined in RCW 28A.345.020 who
8 represent various regions of the state, particularly the eastern and
9 western regions. Of the members elected under this subsection (1)(a),
10 at least one member shall be from a first class district and at least
11 one member shall be from a second class district. The association is
12 encouraged to elect a member representing K-12 education;

13 (b) Four members appointed by the governor as follows:

14 (i) One individual representing early learning programs operating
15 in the state;

16 (ii) One individual representing institutions of higher education
17 as defined in RCW 28B.10.016; and

18 (iii) Two individuals appointed at large; and

19 (c) One member elected at large by the members of the boards of
20 directors of all private schools in the state meeting the requirements
21 of RCW 28A.195.010. The member representing private schools shall not
22 vote on matters affecting public schools. If there is a dispute about
23 whether or not an issue directly affects public schools, the dispute
24 shall be settled by a majority vote of the other members of the board.
25 Not later than the twenty-fifth day of August of each year, the
26 superintendent of public instruction shall call for an election of the
27 member of the state board of education representing private schools if
28 the term of membership will end on the second Monday of the following
29 January. The superintendent of public instruction shall give written
30 notice thereof to the chair of the board of directors of each private
31 school who shall distribute the notice to each member of the private
32 school board. The notice shall include the election calendar and rules
33 established by the superintendent of public instruction for the conduct
34 of the election.

35 (2) Initial appointments shall be to terms from one to four years
36 in length, with the terms expiring on June 30th of the applicable year.
37 As the terms of the first appointees expire or vacancies on the board
38 occur, the governor shall appoint or reappoint members of the board to

1 complete the initial terms or to four-year terms, as appropriate. As
2 the terms of the first elected members expire or vacancies on the board
3 occur, the membership of the Washington state school directors'
4 association shall elect or reelect members of the board to complete the
5 initial terms or to four-year terms, as appropriate.

6 (a) Appointees must be individuals who have demonstrated interest
7 in public schools and are supportive of educational improvement, have
8 a positive record of service, and will devote sufficient time to the
9 responsibilities of the board.

10 (b) In appointing board members, the governor shall consider the
11 diversity of the population of the state.

12 (c) All appointments to the board made by the governor are subject
13 to confirmation by the senate.

14 (d) No person may serve as a member of the board, except the
15 superintendent of public instruction, for more than two consecutive
16 full four-year terms.

17 (3) The governor may remove a member of the board for neglect of
18 duty, misconduct, malfeasance, or misfeasance in office, or for
19 incompetent or unprofessional conduct as defined in chapter 18.130 RCW.
20 In such a case, the governor shall file with the secretary of state a
21 statement of the causes for and the order of removal from office, and
22 the secretary of state shall send a certified copy of the statement of
23 causes and order of removal to the last known post office address of
24 the member.

25 (4)(a) Following the term of the chair serving on June 1, 2005, the
26 chair of the board shall be elected by a majority vote of the members
27 of the board. The superintendent of public instruction may not serve
28 as chair of the board. The chair of the board shall serve a term of
29 two years, and the chair may serve more than one term if elected to do
30 so by a majority vote of the members of the board.

31 (b) Five members of the board constitute a quorum for the
32 transaction of business.

33 (c) All members are voting members.

34 (5) Members of the board appointed by the governor who are not
35 public employees shall be compensated in accordance with RCW 43.03.240
36 and shall be reimbursed for travel expenses incurred in carrying out
37 the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

1 **Sec. 102.** RCW 28A.305.130 and 2002 c 205 s 3 are each amended to
2 read as follows:

3 In addition to any other powers and duties as provided by law, the
4 state board of education shall:

5 (1) ~~((Approve or disapprove the program of courses leading to~~
6 ~~teacher, school administrator, and school specialized personnel~~
7 ~~certification offered by all institutions of higher education within~~
8 ~~the state which may be accredited and whose graduates may become~~
9 ~~entitled to receive such certification.~~

10 (2) ~~Conduct every five years a review of the program approval~~
11 ~~standards, including the minimum standards for teachers,~~
12 ~~administrators, and educational staff associates, to reflect research~~
13 ~~findings and assure continued improvement of preparation programs for~~
14 ~~teachers, administrators, and educational staff associates.~~

15 (3) ~~Investigate the character of the work required to be performed~~
16 ~~as a condition of entrance to and graduation from any institution of~~
17 ~~higher education in this state relative to such certification as~~
18 ~~provided for in subsection (1) of this section, and prepare a list of~~
19 ~~accredited institutions of higher education of this and other states~~
20 ~~whose graduates may be awarded such certificates.~~

21 (4)(a) ~~The state board of education shall adopt rules to allow a~~
22 ~~teacher certification candidate to fulfill, in part, teacher~~
23 ~~preparation program requirements through work experience as a~~
24 ~~classified teacher's aide in a public school or private school meeting~~
25 ~~the requirements of RCW 28A.195.010. The rules shall include, but are~~
26 ~~not limited to, limitations based upon the recency of the teacher~~
27 ~~preparation candidate's teacher aide work experience, and limitations~~
28 ~~based on the amount of work experience that may apply toward teacher~~
29 ~~preparation program requirements under this chapter.~~

30 (b) ~~The state board of education shall require that at the time of~~
31 ~~the individual's enrollment in a teacher preparation program, the~~
32 ~~supervising teacher and the building principal shall jointly provide to~~
33 ~~the teacher preparation program of the higher education institution at~~
34 ~~which the teacher candidate is enrolled, a written assessment of the~~
35 ~~performance of the teacher candidate. The assessment shall contain~~
36 ~~such information as determined by the state board of education and~~
37 ~~shall include: Evidence that at least fifty percent of the candidate's~~
38 ~~work as a classified teacher's aide was involved in instructional~~

1 activities with children under the supervision of a certificated
2 teacher and that the candidate worked a minimum of six hundred thirty
3 hours for one school year; the type of work performed by the candidate;
4 and a recommendation of whether the candidate's work experience as a
5 classified teacher's aide should be substituted for teacher preparation
6 program requirements. In compliance with such rules as may be
7 established by the state board of education under this section, the
8 teacher preparation programs of the higher education institution where
9 the candidate is enrolled shall make the final determination as to what
10 teacher preparation program requirements may be fulfilled by teacher
11 aide work experience.

12 ~~(5) Supervise the issuance of such certificates as provided for in~~
13 ~~subsection (1) of this section and specify the types and kinds of~~
14 ~~certificates necessary for the several departments of the common~~
15 ~~schools by rule or regulation in accordance with RCW 28A.410.010.~~

16 (6)) Hold regularly scheduled meetings at such time and place
17 within the state as the board shall determine and may hold such special
18 meetings as may be deemed necessary for the transaction of public
19 business.

20 (2) Form committees as necessary to effectively and efficiently
21 conduct the work of the board.

22 (3) Seek advice from the public and interested parties regarding
23 the work of the board.

24 (4) For purposes of statewide accountability, the board shall:

25 (a) Adopt and revise performance improvement goals in reading,
26 writing, science, and mathematics, by subject and grade level, once
27 assessments in these subjects are required statewide; academic and
28 technical skills, as appropriate, in secondary career and technical
29 education programs; and student attendance, as the board deems
30 appropriate to improve student learning. The goals shall be consistent
31 with student privacy protection provisions of RCW 28A.655.090(7) and
32 shall not conflict with requirements contained in Title I of the
33 federal elementary and secondary education act of 1965, as amended.
34 The goals may be established for all students, economically
35 disadvantaged students, limited English proficient students, students
36 with disabilities, and students from disproportionately academically
37 underachieving racial and ethnic backgrounds. The board may establish
38 school and school district goals addressing high school graduation

1 rates and dropout reduction goals for students in grades seven through
2 twelve. The board shall adopt the goals by rule. However, before each
3 goal is implemented, the board shall present the goal to the education
4 committees of the house of representatives and the senate for the
5 committees' review and comment in a time frame that will permit the
6 legislature to take statutory action on the goal if such action is
7 deemed warranted by the legislature;

8 (b) Identify the scores students must achieve in order to meet the
9 standard on the Washington assessment of student learning and, for high
10 school students, to obtain a certificate of academic achievement. The
11 board shall also determine student scores that identify levels of
12 student performance below and beyond the standard. The board shall
13 consider the incorporation of the standard error of measurement into
14 the decision regarding the award of the certificates. The board shall
15 set such performance standards and levels in consultation with the
16 superintendent of public instruction and after consideration of any
17 recommendations that may be developed by any advisory committees that
18 may be established for this purpose. The initial performance standards
19 and any changes recommended by the board in the performance standards
20 for the tenth grade assessment shall be presented to the education
21 committees of the house of representatives and the senate by November
22 30th of the school year in which the changes will take place to permit
23 the legislature to take statutory action before the changes are
24 implemented if such action is deemed warranted by the legislature. The
25 legislature shall be advised of the initial performance standards and
26 any changes made to the elementary level performance standards and the
27 middle school level performance standards;

28 (c) Adopt objective, systematic criteria to identify successful
29 schools and school districts and recommend to the superintendent of
30 public instruction schools and districts to be recognized for two types
31 of accomplishments, student achievement and improvements in student
32 achievement. Recognition for improvements in student achievement shall
33 include consideration of one or more of the following accomplishments:

34 (i) An increase in the percent of students meeting standards. The
35 level of achievement required for recognition may be based on the
36 achievement goals established by the legislature and by the board under
37 (a) of this subsection;

1 (ii) Positive progress on an improvement index that measures
2 improvement in all levels of the assessment; and

3 (iii) Improvements despite challenges such as high levels of
4 mobility, poverty, English as a second language learners, and large
5 numbers of students in special populations as measured by either the
6 percent of students meeting the standard, or the improvement index.
7 When determining the baseline year or years for recognizing individual
8 schools, the board may use the assessment results from the initial
9 years the assessments were administered, if doing so with individual
10 schools would be appropriate;

11 (d) Adopt objective, systematic criteria to identify schools and
12 school districts in need of assistance and those in which significant
13 numbers of students persistently fail to meet state standards. In its
14 deliberations, the board shall consider the use of all statewide
15 mandated criterion-referenced and norm-referenced standardized tests;

16 (e) Identify schools and school districts in which state
17 intervention measures will be needed and a range of appropriate
18 intervention strategies after the legislature has authorized a set of
19 intervention strategies. After the legislature has authorized a set of
20 intervention strategies, at the request of the board, the
21 superintendent shall intervene in the school or school district and
22 take corrective actions. This chapter does not provide additional
23 authority for the board or the superintendent of public instruction to
24 intervene in a school or school district;

25 (f) Identify performance incentive systems that have improved or
26 have the potential to improve student achievement;

27 (g) Annually review the assessment reporting system to ensure
28 fairness, accuracy, timeliness, and equity of opportunity, especially
29 with regard to schools with special circumstances and unique
30 populations of students, and a recommendation to the superintendent of
31 public instruction of any improvements needed to the system;

32 (h) Annually report by December 1st to the legislature, the
33 governor, and the superintendent of public instruction on the progress,
34 findings, and recommendations of the board. The report may include
35 recommendations of actions to help improve student achievement; and

36 (i) Annually report by December 1st to the education committees of
37 the house of representatives and the senate on the progress that has
38 been made in achieving goals adopted by the board;

1 (5) Accredited, subject to such accreditation standards and
2 procedures as may be established by the state board of education, all
3 schools that apply for accreditation, and approve, subject to the
4 provisions of RCW 28A.195.010, private schools carrying out a program
5 for any or all of the grades kindergarten through twelve: PROVIDED,
6 That no private school may be approved that operates a kindergarten
7 program only: PROVIDED FURTHER, That no public or private schools
8 shall be placed upon the list of accredited schools so long as secret
9 societies are knowingly allowed to exist among its students by school
10 officials: PROVIDED FURTHER, That the state board may elect to require
11 all or certain classifications of the public schools to conduct and
12 participate in such preaccreditation examination and evaluation
13 processes as may now or hereafter be established by the board.

14 (~~(7)~~) (6) Make rules and regulations governing the establishment
15 in any existing nonhigh school district of any secondary program or any
16 new grades in grades nine through twelve. Before any such program or
17 any new grades are established the district must obtain prior approval
18 of the state board.

19 (~~(8)~~) (7) Prepare such outline of study for the common schools as
20 the board shall deem necessary, and in conformance with legislative
21 requirements, and prescribe such rules for the general government of
22 the common schools, as shall seek to secure regularity of attendance,
23 prevent truancy, secure efficiency, and promote the true interest of
24 the common schools.

25 (~~(9)~~) (8) Continuously reevaluate courses and other requirements
26 and adopt and enforce regulations within the common schools so as to
27 meet the educational needs of students (~~and~~).

28 (9) Evaluate course of study requirements and articulate with the
29 institutions of higher education, work force representatives, and early
30 learning policymakers and providers to coordinate and unify the work of
31 the public school system.

32 (10) Carry out board powers and duties relating to the organization
33 and reorganization of school districts (~~under RCW 28A.315.010 through~~
34 ~~28A.315.680 and 28A.315.900~~).

35 (11) Hear and decide appeals as otherwise provided by law.

36 (~~The state board of education is given the authority to~~) (12)
37 Promulgate information and rules dealing with the prevention of child
38 abuse for purposes of curriculum use in the common schools.

1 (13) Hire an executive director and an administrative assistant to
2 reside in the office of the superintendent of public instruction for
3 administrative purposes. Any other personnel of the board shall be
4 appointed as provided by RCW 28A.300.020. The executive director,
5 administrative assistant, and other personnel of the board are exempt
6 from civil service, together with other staff as now or hereafter
7 designated as exempt in accordance with chapter 41.06 RCW.

8 (14) Adopt a seal that shall be kept in the office of the
9 superintendent of public instruction.

10 **Sec. 103.** RCW 28A.300.130 and 1999 c 388 s 401 are each amended to
11 read as follows:

12 (1) Expanding activity in educational research, educational
13 restructuring, and educational improvement initiatives has produced and
14 continues to produce much valuable information. The legislature finds
15 that such information should be shared with the citizens and
16 educational community of the state as widely as possible. To
17 facilitate access to information and materials on educational
18 improvement and research, the superintendent of public instruction, to
19 the extent funds are appropriated, shall establish the center for the
20 improvement of student learning. The primary purpose of the center is
21 to provide assistance and advice to parents, school board members,
22 educators, and the public regarding strategies for assisting students
23 in learning the essential academic learning requirements pursuant to
24 RCW (~~(28A.630.885)~~) 28A.655.070. The center shall work in conjunction
25 with the (~~(academic achievement and accountability commission)~~) state
26 board of education, educational service districts, institutions of
27 higher education, and education, parent, community, and business
28 organizations.

29 (2) The center, in conjunction with other staff in the office of
30 the superintendent of public instruction, shall:

31 (a) (~~(Serve as a clearinghouse for the completed work and~~
32 ~~activities of the academic achievement and accountability commission;~~

33 ~~(b))~~) Serve as a clearinghouse for information regarding successful
34 educational improvement and parental involvement programs in schools
35 and districts, and information about efforts within institutions of
36 higher education in the state to support educational improvement
37 initiatives in Washington schools and districts;

1 ~~((e))~~ (b) Provide best practices research and advice that can be
2 used to help schools develop and implement: Programs and practices to
3 improve instruction of the essential academic learning requirements
4 ~~((under section 701 of this act))~~; systems to analyze student
5 assessment data, with an emphasis on systems that will combine the use
6 of state and local data to monitor the academic progress of each and
7 every student in the school district; comprehensive, school-wide
8 improvement plans; school-based shared decision-making models; programs
9 to promote lifelong learning and community involvement in education;
10 school-to-work transition programs; programs to meet the needs of
11 highly capable students; programs and practices to meet the diverse
12 needs of students based on gender, racial, ethnic, economic, and
13 special needs status; research, information, and technology systems;
14 and other programs and practices that will assist educators in helping
15 students learn the essential academic learning requirements;

16 ~~((d))~~ (c) Develop and distribute~~((, in conjunction with the~~
17 ~~academic achievement and accountability commission,))~~ parental
18 involvement materials, including instructional guides developed to
19 inform parents of the essential academic learning requirements. The
20 instructional guides also shall contain actions parents may take to
21 assist their children in meeting the requirements, and should focus on
22 reaching parents who have not previously been involved with their
23 children's education;

24 ~~((e))~~ (d) Identify obstacles to greater parent and community
25 involvement in school shared decision-making processes and recommend
26 strategies for helping parents and community members to participate
27 effectively in school shared decision-making processes, including
28 understanding and respecting the roles of school building
29 administrators and staff;

30 ~~((f))~~ (e) Develop and maintain an internet web site to increase
31 the availability of information, research, and other materials;

32 ~~((g))~~ (f) Take other actions to increase public awareness of the
33 importance of parental and community involvement in education;

34 ~~((h))~~ (g) Work with appropriate organizations to inform teachers,
35 district and school administrators, and school directors about the
36 waivers available and the broadened school board powers under RCW
37 28A.320.015;

1 ((+i)) (h) Provide training and consultation services, including
2 conducting regional summer institutes;

3 ((+j)) (i) Address methods for improving the success rates of
4 certain ethnic and racial student groups; and

5 ((+k)) (j) Perform other functions consistent with the purpose of
6 the center as prescribed in subsection (1) of this section.

7 (3) The superintendent of public instruction(~~(, after consultation~~
8 ~~with the academic achievement and accountability commission,)~~) shall
9 select and employ a director for the center.

10 (4) The superintendent may enter into contracts with individuals or
11 organizations including but not limited to: School districts;
12 educational service districts; educational organizations; teachers;
13 higher education faculty; institutions of higher education; state
14 agencies; business or community-based organizations; and other
15 individuals and organizations to accomplish the duties and
16 responsibilities of the center. In carrying out the duties and
17 responsibilities of the center, the superintendent, whenever possible,
18 shall use practitioners to assist agency staff as well as assist
19 educators and others in schools and districts.

20 **Sec. 104.** RCW 28A.505.210 and 2001 c 3 s 3 are each amended to
21 read as follows:

22 School districts shall have the authority to decide the best use of
23 student achievement funds to assist students in meeting and exceeding
24 the new, higher academic standards in each district consistent with the
25 provisions of chapter 3, Laws of 2001.

26 (1) Student achievement funds shall be allocated for the following
27 uses:

28 (a) To reduce class size by hiring certificated elementary
29 classroom teachers in grades K-4 and paying nonemployee-related costs
30 associated with those new teachers;

31 (b) To make selected reductions in class size in grades 5-12, such
32 as small high school writing classes;

33 (c) To provide extended learning opportunities to improve student
34 academic achievement in grades K-12, including, but not limited to,
35 extended school year, extended school day, before-and-after-school
36 programs, special tutoring programs, weekend school programs, summer
37 school, and all-day kindergarten;

1 (d) To provide additional professional development for educators,
2 including additional paid time for curriculum and lesson redesign and
3 alignment, training to ensure that instruction is aligned with state
4 standards and student needs, reimbursement for higher education costs
5 related to enhancing teaching skills and knowledge, and mentoring
6 programs to match teachers with skilled, master teachers. The funding
7 shall not be used for salary increases or additional compensation for
8 existing teaching duties, but may be used for extended year and
9 extended day teaching contracts;

10 (e) To provide early assistance for children who need
11 prekindergarten support in order to be successful in school;

12 (f) To provide improvements or additions to school building
13 facilities which are directly related to the class size reductions and
14 extended learning opportunities under (a) through (c) of this
15 subsection.

16 (2) Annually on or before May 1st, the school district board of
17 directors shall meet at the time and place designated for the purpose
18 of a public hearing on the proposed use of these funds to improve
19 student achievement for the coming year. Any person may appear or by
20 written submission have the opportunity to comment on the proposed plan
21 for the use of these funds. No later than August 31st, as a part of
22 the process under RCW 28A.505.060, each school district shall adopt a
23 plan for the use of these funds for the upcoming school year.
24 Annually, each school district shall provide to the citizens of their
25 district a public accounting of the funds made available to the
26 district during the previous school year under chapter 3, Laws of 2001,
27 how the funds were used, and the progress the district has made in
28 increasing student achievement, as measured by required state
29 assessments and other assessments deemed appropriate by the district.
30 Copies of this report shall be provided to the superintendent of public
31 instruction (~~and to the academic achievement and accountability~~
32 ~~commission~~)).

33 **Sec. 105.** RCW 28A.655.070 and 2004 c 19 s 204 are each amended to
34 read as follows:

35 (1) The superintendent of public instruction shall develop
36 essential academic learning requirements that identify the knowledge
37 and skills all public school students need to know and be able to do

1 based on the student learning goals in RCW 28A.150.210, develop student
2 assessments, and implement (~~the accountability recommendations and~~
3 ~~requests regarding assistance, rewards, and recognition of the academic~~
4 ~~achievement and accountability commission~~) assistance and recognition
5 activities related to improving academic achievement as authorized.

6 (2) The superintendent of public instruction shall:

7 (a) Periodically revise the essential academic learning
8 requirements, as needed, based on the student learning goals in RCW
9 28A.150.210. Goals one and two shall be considered primary. To the
10 maximum extent possible, the superintendent shall integrate goal four
11 and the knowledge and skill areas in the other goals in the essential
12 academic learning requirements; and

13 (b) Review and prioritize the essential academic learning
14 requirements and identify, with clear and concise descriptions, the
15 grade level content expectations to be assessed on the Washington
16 assessment of student learning and used for state or federal
17 accountability purposes. The review, prioritization, and
18 identification shall result in more focus and targeting with an
19 emphasis on depth over breadth in the number of grade level content
20 expectations assessed at each grade level. Grade level content
21 expectations shall be articulated over the grades as a sequence of
22 expectations and performances that are logical, build with increasing
23 depth after foundational knowledge and skills are acquired, and
24 reflect, where appropriate, the sequential nature of the discipline.
25 The office of the superintendent of public instruction, within seven
26 working days, shall post on its web site any grade level content
27 expectations provided to an assessment vendor for use in constructing
28 the Washington assessment of student learning.

29 (~~In consultation with the academic achievement and~~
30 ~~accountability commission,~~) The superintendent of public instruction
31 shall maintain and continue to develop and revise a statewide academic
32 assessment system in the content areas of reading, writing,
33 mathematics, and science for use in the elementary, middle, and high
34 school years designed to determine if each student has mastered the
35 essential academic learning requirements identified in subsection (1)
36 of this section. School districts shall administer the assessments
37 under guidelines adopted by the superintendent of public instruction.

1 The academic assessment system shall include a variety of assessment
2 methods, including criterion-referenced and performance-based measures.

3 (4) If the superintendent proposes any modification to the
4 essential academic learning requirements or the statewide assessments,
5 then the superintendent shall, upon request, provide opportunities for
6 the education committees of the house of representatives and the senate
7 to review the assessments and proposed modifications to the essential
8 academic learning requirements before the modifications are adopted.

9 (5)(a) The assessment system shall be designed so that the results
10 under the assessment system are used by educators as tools to evaluate
11 instructional practices, and to initiate appropriate educational
12 support for students who have not mastered the essential academic
13 learning requirements at the appropriate periods in the student's
14 educational development.

15 (b) Assessments measuring the essential academic learning
16 requirements in the content area of science shall be available for
17 mandatory use in middle schools and high schools by the 2003-04 school
18 year and for mandatory use in elementary schools by the 2004-05 school
19 year unless the legislature takes action to delay or prevent
20 implementation of the assessment.

21 (6) By September 2007, the results for reading and mathematics
22 shall be reported in a format that will allow parents and teachers to
23 determine the academic gain a student has acquired in those content
24 areas from one school year to the next.

25 (7) To assist parents and teachers in their efforts to provide
26 educational support to individual students, the superintendent of
27 public instruction shall provide as much individual student performance
28 information as possible within the constraints of the assessment
29 system's item bank. The superintendent shall also provide to school
30 districts:

31 (a) Information on classroom-based and other assessments that may
32 provide additional achievement information for individual students; and

33 (b) A collection of diagnostic tools that educators may use to
34 evaluate the academic status of individual students. The tools shall
35 be designed to be inexpensive, easily administered, and quickly and
36 easily scored, with results provided in a format that may be easily
37 shared with parents and students.

1 (8) To the maximum extent possible, the superintendent shall
2 integrate knowledge and skill areas in development of the assessments.

3 (9) Assessments for goals three and four of RCW 28A.150.210 shall
4 be integrated in the essential academic learning requirements and
5 assessments for goals one and two.

6 (10) The superintendent shall develop assessments that are directly
7 related to the essential academic learning requirements, and are not
8 biased toward persons with different learning styles, racial or ethnic
9 backgrounds, or on the basis of gender.

10 (11) The superintendent shall consider methods to address the
11 unique needs of special education students when developing the
12 assessments under this section.

13 (12) The superintendent shall consider methods to address the
14 unique needs of highly capable students when developing the assessments
15 under this section.

16 (13) The superintendent shall post on the superintendent's web site
17 lists of resources and model assessments in social studies, the arts,
18 and health and fitness.

19 **PART 2**

20 **WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD**

21 **Sec. 201.** RCW 28A.410.210 and 2000 c 39 s 103 are each amended to
22 read as follows:

23 The Washington professional educator standards board shall:

24 (1) Establish policies and practices for the approval of programs
25 of courses, requirements, and other activities leading to educator
26 certification including teacher, school administrator, and educational
27 staff associate certification;

28 (2) Establish policies and practices for the approval of the
29 character of work required to be performed as a condition of entrance
30 to and graduation from any educator preparation program including
31 teacher, school administrator, and educational staff associate
32 preparation program as provided in subsection (1) of this section;

33 (3) Establish a list of accredited institutions of higher education
34 of this and other states whose graduates may be awarded educator
35 certificates as teacher, school administrator, and educational staff
36 associate and establish criteria and enter into agreements with other

1 states to acquire reciprocal approval of educator preparation programs
2 and certification, including teacher certification from the national
3 board for professional teaching standards;

4 (4) Establish policies for approval of nontraditional educator
5 preparation programs;

6 (5) Conduct a review of educator program approval standards at
7 least every five years, beginning in 2006, to reflect research findings
8 and assure continued improvement of preparation programs for teachers,
9 administrators, and school specialized personnel;

10 (6) Specify the types and kinds of educator certificates to be
11 issued and conditions for certification in accordance with subsection
12 (1) of this section and RCW 28A.410.010 and supervise the issuance of
13 such certificates;

14 (7) Establish prospective educator assessment systems as necessary,
15 including the prospective teacher assessment system for basic skills
16 and subject knowledge that shall be required to obtain residency
17 certification pursuant to RCW 28A.410.220 through 28A.410.240;

18 (8) Hear and determine educator certification appeals as provided
19 by RCW 28A.410.100;

20 (9) Apply for and receive federal or other funds on behalf of the
21 state for purposes related to the duties of the board;

22 (10) Adopt rules under chapter 34.05 RCW that are necessary for the
23 effective and efficient implementation of this chapter;

24 (11) Submit annual reports and recommendations to the governor, the
25 education and fiscal committees of the legislature, and the
26 superintendent of public instruction concerning the duties and
27 activities of the board;

28 (12) Maintain data concerning educator preparation programs and
29 their quality, educator certification, educator employment trends and
30 needs, and other data deemed relevant by the board;

31 (13) Serve as an advisory body to the superintendent of public
32 instruction ((and as the sole advisory body to the state board of
33 education)) on issues related to educator recruitment, hiring,
34 ((preparation, certification including high quality alternative routes
35 to certification,)) mentoring and support, professional growth,
36 retention, governance, ((prospective teacher pedagogy assessment,
37 prospective principal assessment,)) and educator evaluation including

1 but not limited to peer evaluation(~~(, and revocation and suspension of~~
2 ~~licensure;~~

3 ~~(2) Submit annual reports and recommendations, beginning December~~
4 ~~1, 2000, to the governor, the education and fiscal committees of the~~
5 ~~legislature, the state board of education, and the superintendent of~~
6 ~~public instruction concerning duties and activities within the board's~~
7 ~~advisory capacity. The Washington professional educator standards~~
8 ~~board shall submit a separate report by December 1, 2000, to the~~
9 ~~governor, the education and fiscal committees of the legislature, the~~
10 ~~state board of education, and the superintendent of public instruction~~
11 ~~providing recommendations for at least two high quality alternative~~
12 ~~routes to teacher certification. In its deliberations, the board shall~~
13 ~~consider at least one route that permits persons with substantial~~
14 ~~subject matter expertise to achieve residency certification through an~~
15 ~~on-the-job training program provided by a school district; and~~

16 ~~(3) Establish the prospective teacher assessment system for basic~~
17 ~~skills and subject knowledge that shall be required to obtain residency~~
18 ~~certification pursuant to RCW 28A.410.220 through 28A.410.240)).~~

19 **Sec. 202.** RCW 28A.410.200 and 2003 1st sp.s. c 22 s 1 are each
20 amended to read as follows:

21 (1)(a) The Washington professional educator standards board is
22 created, consisting of twenty members to be appointed by the governor
23 to four-year terms and the superintendent of public instruction(~~(, who~~
24 ~~shall be an ex officio, nonvoting member))~~).

25 (b) As the four-year terms of the first appointees expire or
26 vacancies to the board occur for the first time, the governor shall
27 appoint or reappoint the members of the board to one-year to four-year
28 staggered terms. Once the one-year to three-year terms expire, all
29 subsequent terms shall be for four years, with the terms expiring on
30 June 30th of the applicable year. The terms shall be staggered in such
31 a way that, where possible, the terms of members representing a
32 specific group do not expire simultaneously.

33 (c) No person may serve as a member of the board for more than two
34 consecutive full four-year terms.

35 (d) The governor shall annually appoint the chair of the board from
36 among the teachers and principals on the board. No board member may
37 serve as chair for more than two consecutive years.

1 (2) Seven of the members shall be public school teachers, one shall
2 be a private school teacher, three shall represent higher education
3 educator preparation programs, four shall be school administrators, two
4 shall be educational staff associates, one shall be a classified
5 employee who assists in public school student instruction, one shall be
6 a parent, and one shall be a member of the public.

7 (3) Public school teachers appointed to the board must:

8 (a) Have at least three years of teaching experience in a
9 Washington public school;

10 (b) Be currently certificated and actively employed in a teaching
11 position; and

12 (c) Include one teacher currently teaching at the elementary school
13 level, one at the middle school level, one at the high school level,
14 and one vocationally certificated.

15 (4) Private school teachers appointed to the board must:

16 (a) Have at least three years of teaching experience in a
17 Washington approved private school; and

18 (b) Be currently certificated and actively employed in a teaching
19 position in an approved private school.

20 (5) Appointees from higher education educator preparation programs
21 must include two representatives from institutions of higher education
22 as defined in RCW 28B.10.016 and one representative from an institution
23 of higher education as defined in RCW 28B.07.020(4).

24 (6) School administrators appointed to the board must:

25 (a) Have at least three years of administrative experience in a
26 Washington public school district;

27 (b) Be currently certificated and actively employed in a school
28 administrator position; and

29 (c) Include two public school principals, one Washington approved
30 private school principal, and one superintendent.

31 (7) Educational staff associates appointed to the board must:

32 (a) Have at least three years of educational staff associate
33 experience in a Washington public school district; and

34 (b) Be currently certificated and actively employed in an
35 educational staff associate position.

36 (8) Public school classified employees appointed to the board must:

37 (a) Have at least three years of experience in assisting in the
38 instruction of students in a Washington public school; and

1 (b) Be currently employed in a position that requires the employee
2 to assist in the instruction of students.

3 (9) Each major caucus of the house of representatives and the
4 senate shall submit a list of at least one public school teacher. In
5 making the public school teacher appointments, the governor shall
6 select one nominee from each list provided by each caucus. The
7 governor shall appoint the remaining members of the board from a list
8 of qualified nominees submitted to the governor by organizations
9 representative of the constituencies of the board, from applications
10 from other qualified individuals, or from both nominees and applicants.

11 (10) All appointments to the board made by the governor shall be
12 subject to confirmation by the senate.

13 (11) The governor shall appoint the members of the initial board no
14 later than June 1, 2000.

15 (12) In appointing board members, the governor shall consider the
16 diversity of the population of the state.

17 (13) Each member of the board shall be compensated in accordance
18 with RCW 43.03.240 and shall be reimbursed for travel expenses incurred
19 in carrying out the duties of the board in accordance with RCW
20 43.03.050 and 43.03.060.

21 (14) The governor may remove a member of the board for neglect of
22 duty, misconduct, malfeasance or misfeasance in office, or for
23 incompetency or unprofessional conduct as defined in chapter 18.130
24 RCW. In such a case, the governor shall file with the secretary of
25 state a statement of the causes for and the order of removal from
26 office, and the secretary of state shall send a certified copy of the
27 statement of causes and order of removal to the last known post office
28 address of the member.

29 (15) If a vacancy occurs on the board, the governor shall appoint
30 a replacement member from the nominees as specified in subsection (9)
31 of this section to fill the remainder of the unexpired term. When
32 filling a vacancy of a member nominated by a major caucus of the
33 legislature, the governor shall select the new member from a list of at
34 least one name submitted by the same caucus that provided the list from
35 which the retiring member was appointed.

36 (16) Members of the board shall hire an executive director and an
37 administrative assistant to reside in the office of the superintendent
38 of public instruction for administrative purposes only.

1 **Sec. 203.** RCW 28A.410.010 and 2001 c 263 s 1 are each amended to
2 read as follows:

3 The (~~state board of education~~) Washington professional educator
4 standards board shall establish, publish, and enforce rules (~~and~~
5 ~~regulations~~) determining eligibility for and certification of
6 personnel employed in the common schools of this state, including
7 certification for emergency or temporary, substitute or provisional
8 duty and under such certificates or permits as the board shall deem
9 proper or as otherwise prescribed by law. The rules shall require that
10 the initial application for certification shall require a record check
11 of the applicant through the Washington state patrol criminal
12 identification system and through the federal bureau of investigation
13 at the applicant's expense. The record check shall include a
14 fingerprint check using a complete Washington state criminal
15 identification fingerprint card. The superintendent of public
16 instruction may waive the record check for any applicant who has had a
17 record check within the two years before application. The rules shall
18 permit a holder of a lapsed certificate but not a revoked or suspended
19 certificate to be employed on a conditional basis by a school district
20 with the requirement that the holder must complete any certificate
21 renewal requirements established by the state board of education within
22 two years of initial reemployment.

23 In establishing rules pertaining to the qualifications of
24 instructors of American sign language the (~~state~~) board shall consult
25 with the national association of the deaf, "sign instructors guidance
26 network" (s.i.g.n.), and the Washington state association of the deaf
27 for evaluation and certification of sign language instructors.

28 The superintendent of public instruction shall act as the
29 administrator of any such rules (~~and regulations~~) and have the power
30 to issue any certificates or permits and revoke the same in accordance
31 with board rules (~~and regulations~~).

32 **Sec. 204.** RCW 28A.410.040 and 1992 c 141 s 101 are each amended to
33 read as follows:

34 The (~~state board of education~~) Washington professional educator
35 standards board shall adopt rules providing that, except as provided in
36 this section, all individuals qualifying for an initial-level teaching
37 certificate after August 31, 1992, shall possess a baccalaureate degree

1 in the arts, sciences, and/or humanities and have fulfilled the
2 requirements for teacher certification pursuant to RCW ((28A.305.130
3 ~~(1) and (2)~~) 28A.410.210. However, candidates for grades preschool
4 through eight certificates shall have fulfilled the requirements for a
5 major as part of their baccalaureate degree. If the major is in early
6 childhood education, elementary education, or special education, the
7 candidate must have at least thirty quarter hours or twenty semester
8 hours in one academic field.

9 **Sec. 205.** RCW 28A.410.050 and 1992 c 141 s 102 are each amended to
10 read as follows:

11 The ((~~state board of education~~)) Washington professional educator
12 standards board shall develop and adopt rules establishing
13 baccalaureate and masters degree equivalency standards for vocational
14 instructors performing instructional duties and acquiring certification
15 after August 31, 1992.

16 **Sec. 206.** RCW 28A.410.060 and 1990 c 33 s 407 are each amended to
17 read as follows:

18 The fee for any certificate, or any renewal thereof, issued by the
19 authority of the state of Washington, and authorizing the holder to
20 teach or perform other professional duties in the public schools of the
21 state shall be not less than one dollar or such reasonable fee therefor
22 as the ((~~state board of education~~)) Washington professional educator
23 standards board by rule ((~~or regulation~~)) shall deem necessary
24 therefor. The fee must accompany the application and cannot be
25 refunded unless the application is withdrawn before it is finally
26 considered. The educational service district superintendent, or other
27 official authorized to receive such fee, shall within thirty days
28 transmit the same to the treasurer of the county in which the office of
29 the educational service district superintendent is located, to be by
30 him or her placed to the credit of said school district or educational
31 service district: PROVIDED, That if any school district collecting
32 fees for the certification of professional staff does not hold a
33 professional training institute separate from the educational service
34 district then all such moneys shall be placed to the credit of the
35 educational service district.

1 Such fees shall be used solely for the purpose of precertification
2 professional preparation, program evaluation, and professional in-
3 service training programs in accord with rules (~~and regulations~~) of
4 the (~~state board of education~~) Washington professional educator
5 standards board herein authorized.

6 **Sec. 207.** RCW 28A.410.100 and 1992 c 159 s 6 are each amended to
7 read as follows:

8 Any teacher whose certificate to teach has been questioned under
9 RCW 28A.410.090 shall have a right to be heard by the issuing authority
10 before his or her certificate is revoked. Any teacher whose
11 certificate to teach has been revoked shall have a right of appeal to
12 the (~~state board of education~~) Washington professional educator
13 standards board if notice of appeal is given by written affidavit to
14 the board within thirty days after the certificate is revoked.

15 An appeal to the (~~state board of education~~) Washington
16 professional educator standards board within the time specified shall
17 operate as a stay of revocation proceedings until the next regular or
18 special meeting of said board and until the board's decision has been
19 rendered.

20 **Sec. 208.** RCW 28A.410.120 and 1990 c 33 s 411 are each amended to
21 read as follows:

22 Notwithstanding any other provision of this title, the (~~state~~
23 ~~board of education~~) Washington professional educator standards board
24 or superintendent of public instruction shall not require any
25 professional certification or other qualifications of any person
26 elected superintendent of a local school district by that district's
27 board of directors, or any person hired in any manner to fill a
28 position designated as, or which is, in fact, deputy superintendent, or
29 assistant superintendent.

30 **Sec. 209.** RCW 28A.415.023 and 1997 c 90 s 1 are each amended to
31 read as follows:

32 (1) Credits earned by certificated instructional staff after
33 September 1, 1995, shall be eligible for application to the salary
34 schedule developed by the legislative evaluation and accountability
35 program committee only if the course content:

1 (a) Is consistent with a school-based plan for mastery of student
2 learning goals as referenced in RCW (~~28A.320.205~~) 28A.655.110, the
3 annual school performance report, for the school in which the
4 individual is assigned;

5 (b) Pertains to the individual's current assignment or expected
6 assignment for the subsequent school year;

7 (c) Is necessary to obtain an endorsement as prescribed by the
8 (~~state board of education~~) Washington professional educator standards
9 board;

10 (d) Is specifically required to obtain advanced levels of
11 certification; or

12 (e) Is included in a college or university degree program that
13 pertains to the individual's current assignment, or potential future
14 assignment, as a certified instructional staff.

15 (2) For the purpose of this section, "credits" mean college quarter
16 hour credits and equivalent credits for approved in-service, approved
17 continuing education, or approved internship hours computed in
18 accordance with RCW 28A.415.020.

19 (3) The superintendent of public instruction shall adopt rules and
20 standards consistent with the limits established by this section for
21 certificated instructional staff.

22 **Sec. 210.** RCW 28A.415.060 and 1991 c 155 s 1 are each amended to
23 read as follows:

24 The (~~state board of education~~) Washington professional educator
25 standards board rules for continuing education shall provide that
26 educational staff associates may use credits or clock hours that
27 satisfy the continuing education requirements for their state
28 professional licensure, if any, to fulfill the continuing education
29 requirements established by the (~~state board of education~~) Washington
30 professional educator standards board.

31 **Sec. 211.** RCW 28A.415.205 and 1991 c 238 s 75 are each amended to
32 read as follows:

33 (1) The Washington state minority teacher recruitment program is
34 established. The program shall be administered by the (~~state board of~~
35 ~~education~~) Washington professional educator standards board. The
36 (~~state board of education~~) Washington professional educator standards

1 board shall consult with the higher education coordinating board,
2 representatives of institutions of higher education, education
3 organizations having an interest in teacher recruitment issues, the
4 superintendent of public instruction, the state board for community and
5 technical colleges, the department of employment security, and the work
6 force training and education coordinating board. The program shall be
7 designed to recruit future teachers from students in the targeted
8 groups who are in the ninth through twelfth grades and from adults in
9 the targeted groups who have entered other occupations.

10 (2) The program shall include the following:

11 (a) Encouraging students in targeted groups in grades nine through
12 twelve to acquire the academic and related skills necessary to prepare
13 for the study of teaching at an institution of higher education;

14 (b) Promoting teaching career opportunities to develop an awareness
15 of opportunities in the education profession;

16 (c) Providing opportunities for students to experience the
17 application of regular high school course work to activities related to
18 a teaching career; and

19 (d) Providing for increased cooperation among institutions of
20 higher education including community colleges, the superintendent of
21 public instruction, the (~~state board of education~~) Washington
22 professional educator standards board, and local school districts in
23 working toward the goals of the program.

24 **Sec. 212.** RCW 28A.150.060 and 1990 c 33 s 102 are each amended to
25 read as follows:

26 The term "certificated employee" as used in RCW 28A.195.010,
27 28A.150.060, 28A.150.260, 28A.405.100, 28A.405.210, 28A.405.240,
28 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW,
29 shall include those persons who hold certificates as authorized by rule
30 (~~or regulation~~) of the (~~state board of education~~) Washington
31 professional educator standards board or the superintendent of public
32 instruction.

33 **Sec. 213.** RCW 28A.170.080 and 1990 c 33 s 157 are each amended to
34 read as follows:

35 (1) Grants provided under RCW 28A.170.090 may be used solely for
36 services provided by a substance abuse intervention specialist or for

1 dedicated staff time for counseling and intervention services provided
2 by any school district certificated employee who has been trained by
3 and has access to consultation with a substance abuse intervention
4 specialist. Services shall be directed at assisting students in
5 kindergarten through twelfth grade in overcoming problems of drug and
6 alcohol abuse, and in preventing abuse and addiction to such
7 substances, including nicotine. The grants shall require local
8 matching funds so that the grant amounts support a maximum of eighty
9 percent of the costs of the services funded. The services of a
10 substance abuse intervention specialist may be obtained by means of a
11 contract with a state or community services agency or a drug treatment
12 center. Services provided by a substance abuse intervention specialist
13 may include:

14 (a) Individual and family counseling, including preventive
15 counseling;

16 (b) Assessment and referral for treatment;

17 (c) Referral to peer support groups;

18 (d) Aftercare;

19 (e) Development and supervision of student mentor programs;

20 (f) Staff training, including training in the identification of
21 high-risk children and effective interaction with those children in the
22 classroom; and

23 (g) Development and coordination of school drug and alcohol core
24 teams, involving staff, students, parents, and community members.

25 (2) For the purposes of this section, "substance abuse intervention
26 specialist" means any one of the following, except that diagnosis and
27 assessment, counseling and aftercare specifically identified with
28 treatment of chemical dependency shall be performed only by personnel
29 who meet the same qualifications as are required of a qualified
30 chemical dependency counselor employed by an alcoholism or drug
31 treatment program approved by the department of social and health
32 services.

33 (a) An educational staff associate employed by a school district or
34 educational service district who holds certification as a school
35 counselor, school psychologist, school nurse, or school social worker
36 under (~~state board of education~~) Washington professional educator
37 standards board rules adopted pursuant to RCW (~~28A.305.130~~)
38 28A.410.210;

1 (b) An individual who meets the definition of a qualified drug or
2 alcohol counselor established by the bureau of alcohol and substance
3 abuse;

4 (c) A counselor, social worker, or other qualified professional
5 employed by the department of social and health services;

6 (d) A psychologist licensed under chapter 18.83 RCW; or

7 (e) A children's mental health specialist as defined in RCW
8 71.34.020.

9 **Sec. 214.** RCW 28A.205.010 and 1999 c 348 s 2 are each amended to
10 read as follows:

11 (1) As used in this chapter, unless the context thereof shall
12 clearly indicate to the contrary:

13 "Education center" means any private school operated on a profit or
14 nonprofit basis which does the following:

15 (a) Is devoted to the teaching of basic academic skills, including
16 specific attention to improvement of student motivation for achieving,
17 and employment orientation.

18 (b) Operates on a clinical, client centered basis. This shall
19 include, but not be limited to, performing diagnosis of individual
20 educational abilities, determination and setting of individual goals,
21 prescribing and providing individual courses of instruction therefor,
22 and evaluation of each individual client's progress in his or her
23 educational program.

24 (c) Conducts courses of instruction by professionally trained
25 personnel certificated by the (~~state board of education~~) Washington
26 professional educator standards board according to rules adopted for
27 the purposes of this chapter and providing, for certification purposes,
28 that a year's teaching experience in an education center shall be
29 deemed equal to a year's teaching experience in a common or private
30 school.

31 (2) For purposes of this chapter, basic academic skills shall
32 include the study of mathematics, speech, language, reading and
33 composition, science, history, literature and political science or
34 civics; it shall not include courses of a vocational training nature
35 and shall not include courses deemed nonessential to the accrediting of
36 the common schools or the approval of private schools under RCW
37 28A.305.130.

1 (3) The state board of education shall certify an education center
2 only upon application and (a) determination that such school comes
3 within the definition thereof as set forth in subsection (1) of this
4 section and (b) demonstration on the basis of actual educational
5 performance of such applicants' students which shows after
6 consideration of their students' backgrounds, educational gains that
7 are a direct result of the applicants' educational program. Such
8 certification may be withdrawn if the board finds that a center fails
9 to provide adequate instruction in basic academic skills. No education
10 center certified by the state board of education pursuant to this
11 section shall be deemed a common school under RCW 28A.150.020 or a
12 private school for the purposes of RCW 28A.195.010 through 28A.195.050.

13 **Sec. 215.** RCW 28A.205.050 and 1995 c 335 s 201 are each amended to
14 read as follows:

15 In accordance with chapter 34.05 RCW, the administrative procedure
16 act, the (~~state board of education~~) Washington professional educator
17 standards board with respect to the matter of certification, and the
18 superintendent of public instruction with respect to all other matters,
19 shall have the power and duty to make the necessary rules to carry out
20 the purpose and intent of this chapter.

21 **Sec. 216.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to
22 read as follows:

23 No teacher, principal, supervisor, superintendent, or other
24 certificated employee, holding a position as such with a school
25 district, hereinafter referred to as "employee", shall be employed
26 except by written order of a majority of the directors of the district
27 at a regular or special meeting thereof, nor unless he or she is the
28 holder of an effective teacher's certificate or other certificate
29 required by law or the (~~state board of education~~) Washington
30 professional educator standards board for the position for which the
31 employee is employed.

32 The board shall make with each employee employed by it a written
33 contract, which shall be in conformity with the laws of this state, and
34 except as otherwise provided by law, limited to a term of not more than
35 one year. Every such contract shall be made in duplicate, one copy to
36 be retained by the school district superintendent or secretary and one

1 copy to be delivered to the employee. No contract shall be offered by
2 any board for the employment of any employee who has previously signed
3 an employment contract for that same term in another school district of
4 the state of Washington unless such employee shall have been released
5 from his or her obligations under such previous contract by the board
6 of directors of the school district to which he or she was obligated.
7 Any contract signed in violation of this provision shall be void.

8 In the event it is determined that there is probable cause or
9 causes that the employment contract of an employee should not be
10 renewed by the district for the next ensuing term such employee shall
11 be notified in writing on or before May 15th preceding the commencement
12 of such term of that determination, or if the omnibus appropriations
13 act has not passed the legislature by May 15th, then notification shall
14 be no later than June 1st, which notification shall specify the cause
15 or causes for nonrenewal of contract. Such determination of probable
16 cause for certificated employees, other than the superintendent, shall
17 be made by the superintendent. Such notice shall be served upon the
18 employee personally, or by certified or registered mail, or by leaving
19 a copy of the notice at the house of his or her usual abode with some
20 person of suitable age and discretion then resident therein. Every
21 such employee so notified, at his or her request made in writing and
22 filed with the president, chair or secretary of the board of directors
23 of the district within ten days after receiving such notice, shall be
24 granted opportunity for hearing pursuant to RCW 28A.405.310 to
25 determine whether there is sufficient cause or causes for nonrenewal of
26 contract: PROVIDED, That any employee receiving notice of nonrenewal
27 of contract due to an enrollment decline or loss of revenue may, in his
28 or her request for a hearing, stipulate that initiation of the
29 arrangements for a hearing officer as provided for by RCW
30 28A.405.310(4) shall occur within ten days following July 15 rather
31 than the day that the employee submits the request for a hearing. If
32 any such notification or opportunity for hearing is not timely given,
33 the employee entitled thereto shall be conclusively presumed to have
34 been reemployed by the district for the next ensuing term upon
35 contractual terms identical with those which would have prevailed if
36 his or her employment had actually been renewed by the board of
37 directors for such ensuing term.

1 This section shall not be applicable to "provisional employees" as
2 so designated in RCW 28A.405.220; transfer to a subordinate
3 certificated position as that procedure is set forth in RCW 28A.405.230
4 shall not be construed as a nonrenewal of contract for the purposes of
5 this section.

6 **Sec. 217.** RCW 28B.10.140 and 2004 c 60 s 1 are each amended to
7 read as follows:

8 The University of Washington, Washington State University, Central
9 Washington University, Eastern Washington University, Western
10 Washington University, and The Evergreen State College are each
11 authorized to train teachers and other personnel for whom teaching
12 certificates or special credentials prescribed by the (~~state board of~~
13 ~~education~~) Washington professional educator standards board are
14 required, for any grade, level, department, or position of the public
15 schools of the state.

16 **Sec. 218.** RCW 18.118.010 and 1990 c 33 s 553 are each amended to
17 read as follows:

18 (1) The purpose of this chapter is to establish guidelines for the
19 regulation of the real estate profession and other business professions
20 which may seek legislation to substantially increase their scope of
21 practice or the level of regulation of the profession, and for the
22 regulation of business professions not licensed or regulated on July
23 26, 1987: PROVIDED, That the provisions of this chapter are not
24 intended and shall not be construed to: (a) Apply to any regulatory
25 entity created prior to July 26, 1987, except as provided in this
26 chapter; (b) affect the powers and responsibilities of the
27 superintendent of public instruction or (~~state board of education~~)
28 Washington professional educator standards board under RCW
29 (~~28A.305.130~~) 28A.410.210 and 28A.410.010; (c) apply to or interfere
30 in any way with the practice of religion or to any kind of treatment by
31 prayer; (d) apply to any remedial or technical amendments to any
32 statutes which licensed or regulated activity before July 26, 1987; and
33 (e) apply to proposals relating solely to continuing education. The
34 legislature believes that all individuals should be permitted to enter
35 into a business profession unless there is an overwhelming need for the
36 state to protect the interests of the public by restricting entry into

1 the profession. Where such a need is identified, the regulation
2 adopted by the state should be set at the least restrictive level
3 consistent with the public interest to be protected.

4 (2) It is the intent of this chapter that no regulation shall be
5 imposed upon any business profession except for the exclusive purpose
6 of protecting the public interest. All bills introduced in the
7 legislature to regulate a business profession for the first time should
8 be reviewed according to the following criteria. A business profession
9 should be regulated by the state only when:

10 (a) Unregulated practice can clearly harm or endanger the health,
11 safety, or welfare of the public, and the potential for the harm is
12 easily recognizable and not remote or dependent upon tenuous argument;

13 (b) The public needs and can reasonably be expected to benefit from
14 an assurance of initial and continuing professional ability; and

15 (c) The public cannot be effectively protected by other means in a
16 more cost-beneficial manner.

17 (3) After evaluating the criteria in subsection (2) of this section
18 and considering governmental and societal costs and benefits, if the
19 legislature finds that it is necessary to regulate a business
20 profession not previously regulated by law, the least restrictive
21 alternative method of regulation should be implemented, consistent with
22 the public interest and this section:

23 (a) Where existing common law and statutory civil actions and
24 criminal prohibitions are not sufficient to eradicate existing harm,
25 the regulation should provide for stricter civil actions and criminal
26 prosecutions;

27 (b) Where a service is being performed for individuals involving a
28 hazard to the public health, safety, or welfare, the regulation should
29 impose inspection requirements and enable an appropriate state agency
30 to enforce violations by injunctive relief in court, including, but not
31 limited to, regulation of the business activity providing the service
32 rather than the employees of the business;

33 (c) Where the threat to the public health, safety, or economic
34 well-being is relatively small as a result of the operation of the
35 business profession, the regulation should implement a system of
36 registration;

37 (d) Where the consumer may have a substantial basis for relying on

1 the services of a practitioner, the regulation should implement a
2 system of certification; or

3 (e) Where apparent that adequate regulation cannot be achieved by
4 means other than licensing, the regulation should implement a system of
5 licensing.

6 **Sec. 219.** RCW 18.120.010 and 1990 c 33 s 554 are each amended to
7 read as follows:

8 (1) The purpose of this chapter is to establish guidelines for the
9 regulation of health professions not licensed or regulated prior to
10 July 24, 1983, and those licensed or regulated health professions which
11 seek to substantially increase their scope of practice: PROVIDED, That
12 the provisions of this chapter are not intended and shall not be
13 construed to: (a) Apply to any regulatory entity created prior to July
14 24, 1983, except as provided in this chapter; (b) affect the powers and
15 responsibilities of the superintendent of public instruction or (~~state~~
16 ~~board of education~~) Washington professional educator standards board
17 under RCW (~~28A.305.130~~) 28A.410.210 and 28A.410.010; (c) apply to or
18 interfere in any way with the practice of religion or to any kind of
19 treatment by prayer; and (d) apply to any remedial or technical
20 amendments to any statutes which licensed or regulated activity before
21 July 24, 1983. The legislature believes that all individuals should be
22 permitted to enter into a health profession unless there is an
23 overwhelming need for the state to protect the interests of the public
24 by restricting entry into the profession. Where such a need is
25 identified, the regulation adopted by the state should be set at the
26 least restrictive level consistent with the public interest to be
27 protected.

28 (2) It is the intent of this chapter that no regulation shall,
29 after July 24, 1983, be imposed upon any health profession except for
30 the exclusive purpose of protecting the public interest. All bills
31 introduced in the legislature to regulate a health profession for the
32 first time should be reviewed according to the following criteria. A
33 health profession should be regulated by the state only when:

34 (a) Unregulated practice can clearly harm or endanger the health,
35 safety, or welfare of the public, and the potential for the harm is
36 easily recognizable and not remote or dependent upon tenuous argument;

1 (b) The public needs and can reasonably be expected to benefit from
2 an assurance of initial and continuing professional ability; and

3 (c) The public cannot be effectively protected by other means in a
4 more cost-beneficial manner.

5 (3) After evaluating the criteria in subsection (2) of this section
6 and considering governmental and societal costs and benefits, if the
7 legislature finds that it is necessary to regulate a health profession
8 not previously regulated by law, the least restrictive alternative
9 method of regulation should be implemented, consistent with the public
10 interest and this section:

11 (a) Where existing common law and statutory civil actions and
12 criminal prohibitions are not sufficient to eradicate existing harm,
13 the regulation should provide for stricter civil actions and criminal
14 prosecutions;

15 (b) Where a service is being performed for individuals involving a
16 hazard to the public health, safety, or welfare, the regulation should
17 impose inspection requirements and enable an appropriate state agency
18 to enforce violations by injunctive relief in court, including, but not
19 limited to, regulation of the business activity providing the service
20 rather than the employees of the business;

21 (c) Where the threat to the public health, safety, or economic
22 well-being is relatively small as a result of the operation of the
23 health profession, the regulation should implement a system of
24 registration;

25 (d) Where the consumer may have a substantial basis for relying on
26 the services of a practitioner, the regulation should implement a
27 system of certification; or

28 (e) Where apparent that adequate regulation cannot be achieved by
29 means other than licensing, the regulation should implement a system of
30 licensing.

31 PART 3

32 TRANSFER OF POWERS AND DUTIES

33 NEW SECTION. **Sec. 301.** (1) The state board of education as
34 constituted prior to the effective date of this act is hereby abolished
35 and its powers, duties, and functions are hereby transferred to the
36 state board of education as specified in this act. All references to

1 the director or the state board of education as constituted prior to
2 the effective date of this act in the Revised Code of Washington shall
3 be construed to mean the director or the state board of education as
4 specified in this act.

5 (2)(a) All reports, documents, surveys, books, records, files,
6 papers, or written material in the possession of the state board of
7 education as constituted prior to the effective date of this act shall
8 be delivered to the custody of the state board of education as
9 specified in this act. All cabinets, furniture, office equipment,
10 motor vehicles, and other tangible property employed by the state board
11 of education as constituted prior to the effective date of this act
12 shall be made available to the state board of education as specified in
13 this act. All funds, credits, or other assets held by the state board
14 of education as constituted prior to the effective date of this act
15 shall be assigned to the state board of education as specified in this
16 act.

17 (b) Any appropriations made to the state board of education as
18 constituted prior to the effective date of this act shall, on the
19 effective date of this section, be transferred and credited to the
20 state board of education as specified in this act.

21 (c) If any question arises as to the transfer of any personnel,
22 funds, books, documents, records, papers, files, equipment, or other
23 tangible property used or held in the exercise of the powers and the
24 performance of the duties and functions transferred, the director of
25 financial management shall make a determination as to the proper
26 allocation and certify the same to the state agencies concerned.

27 (3) All employees of the state board of education as constituted
28 prior to the effective date of this act are transferred to the
29 jurisdiction of the state board of education as specified in this act.
30 All employees classified under chapter 41.06 RCW, the state civil
31 service law, are assigned to the state board of education as specified
32 in this act to perform their usual duties upon the same terms as
33 formerly, without any loss of rights, subject to any action that may be
34 appropriate thereafter in accordance with the laws and rules governing
35 state civil service.

36 (4) All rules and all pending business before the state board of
37 education as constituted prior to the effective date of this act shall
38 be continued and acted upon by the state board of education as

1 specified in this act. All existing contracts and obligations shall
2 remain in full force and shall be performed by the state board of
3 education as specified in this act.

4 (5) The transfer of the powers, duties, functions, and personnel of
5 the state board of education as constituted prior to the effective date
6 of this act shall not affect the validity of any act performed before
7 the effective date of this section.

8 (6) If apportionments of budgeted funds are required because of the
9 transfers directed by this section, the director of financial
10 management shall certify the apportionments to the agencies affected,
11 the state auditor, and the state treasurer. Each of these shall make
12 the appropriate transfer and adjustments in funds and appropriation
13 accounts and equipment records in accordance with the certification.

14 (7) Nothing contained in this section may be construed to alter any
15 existing collective bargaining unit or the provisions of any existing
16 collective bargaining agreement until the agreement has expired or
17 until the bargaining unit has been modified by action of the personnel
18 resources board as provided by law.

19 NEW SECTION. **Sec. 302.** (1) The academic achievement and
20 accountability commission is hereby abolished and its powers, duties,
21 and functions are hereby transferred to the state board of education.
22 All references to the director or the academic achievement and
23 accountability commission in the Revised Code of Washington shall be
24 construed to mean the director or the state board of education.

25 (2)(a) All reports, documents, surveys, books, records, files,
26 papers, or written material in the possession of the academic
27 achievement and accountability commission shall be delivered to the
28 custody of the state board of education. All cabinets, furniture,
29 office equipment, motor vehicles, and other tangible property employed
30 by the academic achievement and accountability commission shall be made
31 available to the state board of education. All funds, credits, or
32 other assets held by the academic achievement and accountability
33 commission shall be assigned to the state board of education.

34 (b) Any appropriations made to the academic achievement and
35 accountability commission shall, on the effective date of this section,
36 be transferred and credited to the state board of education.

1 (c) If any question arises as to the transfer of any personnel,
2 funds, books, documents, records, papers, files, equipment, or other
3 tangible property used or held in the exercise of the powers and the
4 performance of the duties and functions transferred, the director of
5 financial management shall make a determination as to the proper
6 allocation and certify the same to the state agencies concerned.

7 (3) All employees of the academic achievement and accountability
8 commission are transferred to the jurisdiction of the state board of
9 education. All employees classified under chapter 41.06 RCW, the state
10 civil service law, are assigned to the state board of education to
11 perform their usual duties upon the same terms as formerly, without any
12 loss of rights, subject to any action that may be appropriate
13 thereafter in accordance with the laws and rules governing state civil
14 service.

15 (4) All rules and all pending business before the academic
16 achievement and accountability commission shall be continued and acted
17 upon by the state board of education. All existing contracts and
18 obligations shall remain in full force and shall be performed by the
19 state board of education.

20 (5) The transfer of the powers, duties, functions, and personnel of
21 the academic achievement and accountability commission shall not affect
22 the validity of any act performed before the effective date of this
23 section.

24 (6) If apportionments of budgeted funds are required because of the
25 transfers directed by this section, the director of financial
26 management shall certify the apportionments to the agencies affected,
27 the state auditor, and the state treasurer. Each of these shall make
28 the appropriate transfer and adjustments in funds and appropriation
29 accounts and equipment records in accordance with the certification.

30 (7) Nothing contained in this section may be construed to alter any
31 existing collective bargaining unit or the provisions of any existing
32 collective bargaining agreement until the agreement has expired or
33 until the bargaining unit has been modified by action of the personnel
34 resources board as provided by law.

35 **PART 4**
36 **MISCELLANEOUS**

1 NEW SECTION. **Sec. 401.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 28A.305.010 (Composition of board) and 1992 c 56 s 1, 1990
4 c 33 s 257, 1988 c 255 s 1, 1980 c 179 s 1, & 1969 ex.s. c 223 s
5 28A.04.010;

6 (2) RCW 28A.305.020 (Call and notice of elections) and 1990 c 33 s
7 258, 1988 c 255 s 2, 1981 c 38 s 1, & 1969 ex.s. c 223 s 28A.04.020;

8 (3) RCW 28A.305.030 (Elections in new congressional districts--Call
9 and conduct of--Member terms--Transitional measures to reduce number of
10 members from each district) and 1992 c 56 s 3, 1990 c 33 s 259, 1982
11 1st ex.s. c 7 s 1, & 1969 ex.s. c 223 s 28A.04.030;

12 (4) RCW 28A.305.040 (Declarations of candidacy--Qualifications of
13 candidates--Members restricted from service on local boards--Forfeiture
14 of office) and 1990 c 33 s 260, 1982 1st ex.s. c 7 s 2, 1980 c 179 s 4,
15 1975 1st ex.s. c 275 s 49, 1971 c 48 s 1, & 1969 ex.s. c 223 s
16 28A.04.040;

17 (5) RCW 28A.305.050 (Qualifications of voters--Ballots--Voting
18 instructions--Candidates' biographical data) and 1990 c 33 s 261, 1988
19 c 255 s 3, 1981 c 38 s 2, & 1969 ex.s. c 223 s 28A.04.050;

20 (6) RCW 28A.305.060 (Election procedure--Certificate) and 1990 c 33
21 s 262, 1981 c 38 s 3, 1980 c 179 s 5, 1975 c 19 s 2, 1969 ex.s. c 283
22 s 25, & 1969 ex.s. c 223 s 28A.04.060;

23 (7) RCW 28A.305.070 (Action to contest election--Grounds--
24 Procedure) and 1980 c 179 s 6 & 1975 c 19 s 1;

25 (8) RCW 28A.305.080 (Terms of office) and 1992 c 56 s 2, 1990 c 33
26 s 263, & 1969 ex.s. c 223 s 28A.04.070;

27 (9) RCW 28A.305.090 (Vacancies, filling) and 1990 c 33 s 264 & 1969
28 ex.s. c 223 s 28A.04.080;

29 (10) RCW 28A.305.100 (Superintendent as ex officio member and chief
30 executive officer of board) and 1982 c 160 s 1 & 1969 ex.s. c 223 s
31 28A.04.090;

32 (11) RCW 28A.305.110 (Executive director--Secretary of board) and
33 1996 c 25 s 1, 1990 c 33 s 265, 1982 c 160 s 3, & 1969 ex.s. c 223 s
34 28A.04.100;

35 (12) RCW 28A.305.120 (Meetings--Compensation and travel expenses of
36 members) and 1984 c 287 s 60, 1975-'76 2nd ex.s. c 34 s 67, 1973 c 106
37 s 13, & 1969 ex.s. c 223 s 28A.04.110;

38 (13) RCW 28A.305.200 (Seal) and 1969 ex.s. c 223 s 28A.04.140;

1 (14) RCW 28A.655.020 (Academic achievement and accountability
2 commission) and 1999 c 388 s 101;

3 (15) RCW 28A.655.030 (Essential academic learning requirements and
4 assessments--Duties of the academic achievement and accountability
5 commission) and 2004 c 19 s 205, 2002 c 37 s 1, & 1999 c 388 s 102;

6 (16) RCW 28A.655.900 (Transfer of powers, duties, and functions)
7 and 1999 c 388 s 502; and

8 (17) RCW 28A.660.901 (Program evaluations--Contingency) and 2004 c
9 23 s 6 & 2001 c 158 s 8.

10 **Sec. 402.** RCW 28A.300.020 and 1996 c 25 s 2 are each amended to
11 read as follows:

12 The superintendent of public instruction may appoint assistant
13 superintendents of public instruction, a deputy superintendent of
14 public instruction, and may employ such other assistants and clerical
15 help as are necessary to carry out the duties of the superintendent and
16 the state board of education. However, the superintendent shall employ
17 without undue delay the executive director of the state board of
18 education and other state board of education office assistants and
19 clerical help, appointed by the state board under RCW ((~~28A.305.110~~))
20 28A.305.130, whose positions are allotted and funded in accordance with
21 moneys appropriated exclusively for the operation of the state board of
22 education. The rate of compensation and termination of any such
23 executive director, state board office assistants, and clerical help
24 shall be subject to the prior consent of the state board of education.
25 The assistant superintendents, deputy superintendent, and such other
26 officers and employees as are exempted from the provisions of chapter
27 41.06 RCW, shall serve at the pleasure of the superintendent or at the
28 pleasure of the superintendent and the state board of education as
29 provided in this section. Expenditures by the superintendent of public
30 instruction for direct and indirect support of the state board of
31 education are valid operational expenditures by and in behalf of the
32 office of the superintendent of public instruction.

33 **Sec. 403.** RCW 28A.310.110 and 1990 c 33 s 272 are each amended to
34 read as follows:

35 Any common school district board member eligible to vote for a
36 candidate for membership on an educational service district or any

1 candidate for the position, within ten days after the secretary to the
2 state board of education's certification of election, may contest the
3 election of the candidate pursuant to chapter 29A.68 RCW
4 (~~28A.305.070~~)).

5 **Sec. 404.** RCW 28A.315.085 and 1999 c 315 s 206 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction shall furnish to the
8 state board and to regional committees the services of employed
9 personnel and the materials and supplies necessary to enable them to
10 perform the duties imposed upon them by this chapter and shall
11 reimburse the members thereof for expenses necessarily incurred by them
12 in the performance of their duties, such reimbursement for regional
13 committee members to be in accordance with RCW 28A.315.155, and such
14 reimbursement for state board members to be in accordance with (~~RCW~~
15 ~~28A.305.120~~) section 101 of this act.

16 (2) Costs that may be incurred by an educational service district
17 in association with school district negotiations under RCW 28A.315.195
18 and supporting the regional committee under RCW 28A.315.205 shall be
19 reimbursed by the state from such funds as are appropriated for these
20 purposes.

21 NEW SECTION. **Sec. 405.** Part headings used in this act are not any
22 part of the law.

23 NEW SECTION. **Sec. 406.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 July 1, 2005.

--- END ---